

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE EUROPEAN COMMUNITY,

Plaintiff,

-against-

RJR NABISCO, INC., et al.

Defendants.

00-CV-6617 (NGG)

DEPARTMENT OF AMAZONAS, et al.

Plaintiffs,

-against-

PHILIP MORRIS COMPANIES, INC.,
et al.

Defendants.

00-CV-2881 (NGG)

(Consolidated)

**STIPULATION AND
ORDER**

IT IS HEREBY STIPULATED AND AGREED by the undersigned parties in the Amazonas action, subject to the approval of the Court, that:

1. Plaintiffs have previously served the Second Amended Complaint in the Amazonas action upon the following foreign entities by international registered mail addressed as follows:

British American Tobacco (Investments) Limited
Attn: Corporate Secretary
Globe House
1 Water Street
London, England WC2R 3LA

B.A.T Industries p.l.c.
Attn: Corporate Secretary
Globe House
4 Temple Place

London, England WC2R 2PG

British American Tobacco (South America) Limited
Attn: Corporate Secretary
Globe House
1 Water Street
London, England WC2R 3LA

2. British American Tobacco (Investments) Limited ("BATCo"), B.A.T Industries p.l.c. ("Industries") and British American Tobacco (South America) Limited ("BAT SA") will not assert any objection to the previously completed service of process of the Second Amended Complaint in the Amazonas action.
3. BATCo and Brown & Williamson Tobacco Corporation ("B&W") shall, on or before January 29, 2001, file their motions to dismiss the Second Amended Complaint in the Amazonas action on any substantive ground they deem appropriate, with the exception of personal jurisdiction over these defendants.
4. Industries, BAT SA and BATUS Tobacco Services, Inc. ("BATUS") may file motions to dismiss the Second Amended Complaint in the Amazonas action based on lack of personal jurisdiction at any time up to and including thirty (30) days from the entry of an order by the Court on BATCo's and B&W's motion(s) to dismiss filed on or before January 29, 2001. Industries, BAT SA and BATUS agree to be bound by the Court's ruling on the motions to dismiss referred to in paragraph 3 above.

5. The parties reserve all other rights, including the right to seek leave to conduct discovery, if necessary, regarding any motion to dismiss filed by any defendant in the Amazonas action.

December 11, 2000

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by


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CRAVATH, SWAINE & MOORE,

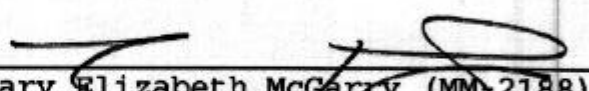
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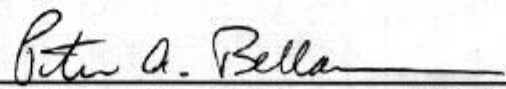
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SO ORDERED

